



Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023

Rt Hon Dame Helen Winkelmann, Administrator of the Government

Order in Council

At Wellington this 2nd day of October 2023

Present:

Her Excellency the Administrator of the Government in Council

These regulations are made under sections 43 and 43A of the Resource Management Act 1991—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for the Environment made in accordance with section 44 of that Act.

Contents

	Page
1 Title	4
2 Commencement	4
3 Principal regulations	4
4 Title of principal regulations changed	4
5 Regulation 3 amended (Interpretation)	4
6 Regulation 5 amended (Application)	8
7 Regulation 6 amended (Plan rules may be more stringent than these regulations)	8
8 New regulation 7A inserted (Joint notice permitted)	8
7A Joint notice permitted	8
9 Part 2 heading amended	8

**Resource Management (National Environmental
Standards for Commercial Forestry) Amendment
Regulations 2023**

2023/277

10	Regulation 9 amended (Permitted activity)	8
11	Regulation 10 amended (Permitted activity condition: notice)	8
12	New regulation 10A inserted (Permitted activity conditions: afforestation management plan)	9
	10A Permitted activity conditions: afforestation management plan	9
13	Regulation 11 amended (Permitted activity condition: wilding tree risk and control)	9
14	Regulation 13 amended (Permitted activity condition: visual amenity landscapes)	9
15	Regulation 14 amended (Permitted activity condition: setbacks)	9
16	Regulation 15 amended (Controlled activity)	9
17	Regulation 17 amended (Matters to which discretion is restricted)	10
18	Regulation 25 amended (Permitted activity conditions: notice)	10
19	Regulation 27 amended (Permitted activity conditions: forestry earthworks management plan)	10
20	Regulation 35 amended (Restricted discretionary activity: regional council)	10
21	Regulation 37 amended (Permitted activity: regional council)	11
22	Regulation 39 amended (Permitted activity condition: effects on other structures and users)	11
23	Regulation 40 amended (Permitted activity condition: passage of fish)	11
24	Regulation 45 amended (Permitted activity condition: flow calculations)	11
25	Regulation 46 amended (Permitted activity conditions specific to various classes of river crossings)	11
26	Regulation 47 amended (Controlled activity: regional council)	12
27	Regulation 48 amended (Restricted discretionary activity: regional council)	12
28	Regulation 49 amended (Discretionary activity: regional council)	12
29	Regulation 52 amended (Permitted activity conditions: notice)	12
30	Regulation 57 revoked (Permitted activity conditions: traffic management)	13
31	Regulation 59 amended (Permitted activity conditions: quarry erosion and sediment management plan)	13
32	Regulation 62 replaced (Functions for this subpart)	13
	62 Functions for this subpart	13
33	New regulation 62A and cross-heading inserted	13
	62A Application of provisions in this subpart	13
	<i>Plantation forests</i>	
34	Regulation 63 amended (Permitted activity)	13
35	Regulation 66 amended (Permitted activity conditions: harvest plan)	13

**Resource Management (National Environmental
Standards for Commercial Forestry) Amendment
Regulations 2023**

2023/277

36	Regulation 69 amended (Permitted activity conditions: slash and debris management)	14
37	Regulation 70 amended (Controlled activity)	14
38	Regulation 71 amended (Restricted discretionary activity: regional council)	14
39	New regulations 71A to 71C and cross-heading inserted	15
	<i>Exotic continuous-cover forests</i>	
	71A Permitted activity	15
	71B Controlled activity	15
	71C Discretionary activity: regional council	15
40	Regulation 75 amended (Restricted discretionary activity: regional council)	15
41	Regulation 77 amended (Permitted activity)	16
42	New regulation 77A inserted (Permitted activity conditions: replanting management plan)	16
	77A Permitted activity conditions: replanting management plan	16
43	New section 78A inserted (Permitted activity condition: notice)	16
	78A Permitted activity condition: notice	16
44	Regulation 79 amended (Permitted activity conditions: wilding tree risk and control)	16
45	Regulation 80 amended (Controlled activity: regional council)	17
46	Regulation 81 amended (Restricted discretionary activity)	18
47	Regulation 93 amended (Permitted activity: territorial authority)	18
48	Regulation 95 amended (Permitted activity)	18
49	Regulation 97 amended (Permitted activity: regional council)	18
50	Regulation 98 amended (Permitted activity: territorial authority)	19
51	Regulation 99 amended (Restricted discretionary activity: territorial authority)	19
52	Regulation 100 amended (Permitted activity)	19
53	Regulation 101 amended (Restricted discretionary activity)	20
54	Regulation 102 amended (Permitted activity)	20
55	Regulation 103 amended (Restricted discretionary activity)	20
56	Regulation 104 amended (Permitted activity: regional council)	20
57	Regulation 105 amended (Restricted discretionary activity: regional council)	20
58	Regulation 106 amended (Local authorities may charge for monitoring permitted activities)	20
59	Schedule 1 amended	20
60	Schedule 2 amended	20
61	Schedules 3 and 4 replaced	21
	Schedule 1	22
	New Part 2 inserted into Schedule 1	

Schedule 2
Schedules 3 and 4 replaced

25

Regulations

1 Title

These regulations are the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023.

2 Commencement

- (1) These regulations come into force on 3 November 2023.
- (2) However,—
 - (a) regulations 13(2) and 44(3) (to the extent that it inserts new regulation 79(5)(b)) come into force on 3 April 2024; and
 - (b) the rest of regulation 44 comes into force on 3 January 2024.

3 Principal regulations

These regulations amend the regulations that were previously called the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

4 Title of principal regulations changed

In regulation 1, replace “Plantation” with “Commercial”.

5 Regulation 3 amended (Interpretation)

- (1) In regulation 3(1), insert in their appropriate alphabetical order:

basal area means the cross-sectional area of the stem of a tree measured over bark at a point that is 1.4 metres from ground level on the uphill side of the tree and expressed in square metres

commercial forest or **commercial forestry** means exotic continuous-cover forestry or plantation forestry

commercial forestry activity means any activity regulated under subparts 1 to 9 of Part 2 of these regulations that is conducted in commercial forestry

cutover means the land area that has been harvested, and any adjacent land between the harvested area and any land that would be covered by water during a 5% AEP event, but does not include water bodies or land that would be covered by water during a 5% AEP event

double culvert means a river crossing structure that—

- (a) is made by using 2 culverts to carry the water flow; and
- (b) creates a surface on top of the culverts to cross a water body

exotic continuous-cover forest or exotic continuous-cover forestry—

- (a) means a forest that is deliberately established for commercial purposes, being at least 1 ha of continuous forest cover of exotic forest species that has been planted and—
 - (i) will not be harvested or replanted; or
 - (ii) is intended to be used for low-intensity harvesting or replanted; and
- (b) includes all associated forestry infrastructure; but
- (c) does not include—
 - (i) a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or
 - (ii) forest species in urban areas; or
 - (iii) nurseries and seed orchards; or
 - (iv) trees grown for fruit or nuts; or
 - (v) long-term ecological restoration planting of indigenous forest species; or
 - (vi) willows and poplars space planted for soil conservation purposes

exotic forest means a forest that consists of 50% or more exotic forest species by basal area

exotic forest species means a forest species that is not an indigenous forest species

forest planning requirements mean the requirements set out in Schedules 3, 4, 5, and 6

GIS means geographic information system

indigenous forest means a forest that consists of more than 50% indigenous forest species by basal area

indigenous forest species means a forest species that occurs naturally in New Zealand or has arrived in New Zealand without human assistance

low-intensity harvesting means harvesting where a minimum of 75% canopy cover is maintained at all times for any given hectare of forest land

removable in-stream structure means a removable river crossing that—

- (a) has been designed with the structural integrity to withstand its intended loading without failure due to fracture, deformation, or fatigue for at least 2 years in its location; and
- (b) is designed to pass low flows through the structure and allow high flows and debris to flow over the top of the entire structure

- (2) In regulation 3(1), definition of **afforestation**, paragraph (a), replace “plantation forestry” with “commercial forestry” in each place.

- (3) In regulation 3(1), definition of **earthflow terrain**, replace “(<http://www.mpi.govt.nz/growing-and-producing/forestry/overview/national-environmental-standards-for-plantation-forestry/erosion-susceptibility-classification/>),” with “(<https://www.mpi.govt.nz/forestry/national-environmental-standards-commercial-forestry/erosion-susceptibility-classification/>)”.
- (4) In regulation 3(1), definition of **earthworks**, paragraph (a), replace “plantation forestry” with “commercial forestry”.
- (5) In regulation 3(1), definition of **erosion susceptibility classification**, paragraph (b), replace “(<http://www.mpi.govt.nz/growing-and-producing/forestry/overview/national-environmental-standards-for-plantation-forestry/erosion-susceptibility-classification/>)” with “(<https://www.mpi.govt.nz/forestry/national-environmental-standards-commercial-forestry/erosion-susceptibility-classification/>)”.
- (6) In regulation 3(1), definition of **existing river crossing**, paragraph (c)(ii), delete “a ford or”.
- (7) In regulation 3(1), definition of **forestry quarrying**,—
 - (a) paragraph (a), replace “plantation forestry” with “commercial forestry”; and
 - (b) paragraph (a)(i) and (ii), replace “plantation forest” with “commercial forest” in each place.
- (8) In regulation 3(1), definition of **green zone**, replace “(<http://www.mpi.govt.nz/growing-and-producing/forestry/overview/national-environmental-standards-for-plantation-forestry/erosion-susceptibility-classification/>)” with “(<https://www.mpi.govt.nz/forestry/national-environmental-standards-commercial-forestry/erosion-susceptibility-classification/>)”.
- (9) In regulation 3(1), definition of **harvesting**, paragraph (b)(ii), replace “plantation forest” with “commercial forest”.
- (10) In regulation 3(1), definition of **Land Use Capability Class 8e**, replace “(<http://www.mpi.govt.nz/growing-and-producing/forestry/overview/national-environmental-standards-for-plantation-forestry/erosion-susceptibility-classification/>)” with “(<https://www.mpi.govt.nz/forestry/national-environmental-standards-commercial-forestry/erosion-susceptibility-classification/>)”.
- (11) In regulation 3(1), definition of **landing**, replace “plantation forest” with “commercial forest”.
- (12) In regulation 3(1), definition of **orange zone**, replace “(<http://www.mpi.govt.nz/growing-and-producing/forestry/overview/national-environmental-standards-for-plantation-forestry/erosion-susceptibility-classification/>)” with “(<https://www.mpi.govt.nz/forestry/national-environmental-standards-commercial-forestry/erosion-susceptibility-classification/>)”.
- (13) In regulation 3(1), revoke the definition of **plantation forestry activity**.

- (14) In regulation 3(1), definition of **pruning and thinning to waste**, replace “plantation forest” with “commercial forest” in each place.
- (15) In regulation 3(1), definition of **red zone**, replace “(<http://www.mpi.govt.nz/growing-and-producing/forestry/overview/national-environmental-standards-for-plantation-forestry/erosion-susceptibility-classification/>)” with “(<https://www.mpi.govt.nz/forestry/national-environmental-standards-commercial-forestry/erosion-susceptibility-classification/>)”.
- (16) In regulation 3(1), definition of **replanting**, replace “plantation forestry” with “commercial forestry” in each place.
- (17) In regulation 3(1), replace the definition of **river crossing** with:
- river crossing**—
- (a) means—
- (i) a structure that is required for the operation of a commercial forest and provides for vehicles or machinery to cross over a water body;
- (ii) a ford; and
- (b) includes an apron and other structures and materials necessary to complete a river crossing; but
- (c) does not include a stormwater culvert or a culvert under a forestry road or forestry track
- (18) In regulation 3(1), replace the definition of **sediment control measures** with:
- sediment control measures** means measures or structures that do 1 or more of the following:
- (a) stop sediment from being washed away from its source;
- (b) slow or stop water with sediment in it so that the sediment drops out of suspension before the water reaches a water body;
- (c) divert the flow of water so that it does not become contaminated with sediment
- (19) In regulation 3(1), definition of **slash**, replace “plantation forestry” with “commercial forestry”.
- (20) In regulation 3(1), definition of **stump line**, replace “plantation forestry” with “commercial forestry”.
- (21) In regulation 3(1), definition of **vegetation clearance**, paragraphs (a) and (b), replace “plantation forest” with “commercial forest”.
- (22) In regulation 3(1), definition of **wilding conifer**, replace “plantation forestry” with “commercial forestry”.
- (23) In regulation 3(1), definition of **yellow zone**, replace “(<http://www.mpi.govt.nz/growing-and-producing/forestry/overview/national-environmental-standards-for-plantation-forestry/erosion-susceptibility-classification/>)” with “(<https://www.mpi.govt.nz/forestry/national-environmental-standards-commercial-forestry/erosion-susceptibility-classification/>)”.

www.mpi.govt.nz/forestry/national-environmental-standards-commercial-forestry/erosion-susceptibility-classification/”).

6 Regulation 5 amended (Application)

- (1) In regulation 5(1), after “apply”, insert “, in respect of commercial forests, ”.
- (2) In section 5(2), replace “plantation forestry activity” with “commercial forestry activity”.
- (3) After regulation 5(4), insert:
- (5) Without limiting the generality of regulation 5(4), there may be rules in regional or district plans for afforestation in relation to effects of commercial forests to which subpart 1 of Part 2 does not apply.

7 Regulation 6 amended (Plan rules may be more stringent than these regulations)

- (1) Replace the heading to regulation 6 with “**Relationship between rules and these regulations**”.
- (2) After regulation 6(4), insert:

Afforestation

- (4A) A rule in a plan may be more stringent or lenient than subpart 1 of Part 2 of these regulations.

Definitions

8 New regulation 7A inserted (Joint notice permitted)

After regulation 7, insert:

7A Joint notice permitted

If notice is required to be given under these regulations for more than 1 commercial forestry activity at the same time, a joint notice covering all the proposed activities is permitted.

9 Part 2 heading amended

In the Part 2 heading, replace “**plantation forestry activities**” with “**commercial forestry activities**”.

10 Regulation 9 amended (Permitted activity)

- (1) In regulation 9(1), replace “and 14(1) and (2)” with “14(1) and (2), and 14A”.
- (2) In regulation 9(2), replace “and 14(3)” with “14(3), and 14A”.

11 Regulation 10 amended (Permitted activity condition: notice)

In regulation 10(2), replace “at least 20 and no more than 60 working days” with “at least 20 working days and no more than 8 months”.

12 New regulation 10A inserted (Permitted activity conditions: afforestation management plan)

After regulation 10, insert:

10A Permitted activity conditions: afforestation management plan

- (1) An afforestation management plan is required for all afforestation activities.
- (2) An afforestation management plan must be provided to the relevant council on written request.
- (3) An afforestation management plan must include all forest planning requirements that apply to the afforestation activity.
- (4) Amendments to the afforestation management plan must be documented and dated, and the relevant council must be advised that an amendment has been made. The amended plan must be made available to the relevant council on request.
- (5) Afforestation activities must be carried out in accordance with the afforestation management plan.

13 Regulation 11 amended (Permitted activity condition: wilding tree risk and control)

- (1) In regulation 11(1)(c), replace “6 months” with “8 months”.
- (2) Replace regulation 11(4) with:
- (4) The relevant regional council and territorial authority must be given the following at the same time as notice is given under regulation 10:
 - (a) the score required under subclause (1) and the calculation sheet used to provide that score:
 - (b) an assessment of each element of wilding tree risk for each relevant area of forest and an explanation of how the assessments were made.

14 Regulation 13 amended (Permitted activity condition: visual amenity landscapes)

In regulation 13, replace “plantation forestry activities” with “commercial forestry activities”.

15 Regulation 14 amended (Permitted activity condition: setbacks)

- (1) In regulation 14(1)(a) and (2), replace “plantation forest” with “commercial forest” in each place.
- (2) In regulation 14(1)(b), replace “plantation forestry” with “commercial forestry”.

16 Regulation 15 amended (Controlled activity)

In regulation 15(4), replace “plantation forestry activities” with “commercial forestry activities”.

17 Regulation 17 amended (Matters to which discretion is restricted)

- (1) After regulation 17(3)(c), insert:
- (d) the effects on the values of an outstanding freshwater body where a Treaty of Waitangi settlement Act includes a statutory acknowledgement in relation to that outstanding freshwater body.
- (2) Revoke regulation 17(4)(b)(i) and (vi).
- (3) After regulation 17(4)(c), insert:
- (d) the planting location and species, including planting density and establishment practice:
 - (e) future harvesting and earthworks effects:
 - (f) the level of risk to communities and infrastructure that may be adversely affected by slash or sediment:
 - (g) the forest type (plantation or exotic continuous-cover):
 - (h) management requirements to avoid adverse effects on ecosystems, fresh water, the coastal marine area, communities, and infrastructure.

18 Regulation 25 amended (Permitted activity conditions: notice)

Replace regulation 25(2) with:

- (2) Notice under subclause (1) must be given—
- (a) at least 20 and no more than 60 working days before the date on which the earthworks or road widening and realignment are planned to begin; or
 - (b) for earthworks or road widening and realignment in green or yellow erosion susceptibility zones, at least 10 and no more than 60 working days before the date on which the activity is planned to begin; or
 - (c) for earthworks that are required for salvage operations, a minimum of 2 days before the date on which the earthworks are planned to begin; or
 - (d) in the case of ongoing earthworks, annually.

19 Regulation 27 amended (Permitted activity conditions: forestry earthworks management plan)

Replace regulation 27(2)(b) with:

- (b) contain the details required by Schedule 4; and

20 Regulation 35 amended (Restricted discretionary activity: regional council)

After regulation 35(3)(j), insert:

- (k) the effects on the values of an outstanding freshwater body where a Treaty of Waitangi settlement Act includes a statutory acknowledgement in relation to that outstanding freshwater body.

21 Regulation 37 amended (Permitted activity: regional council)

- (1) In regulation 37(1), replace “single or battery culvert” with “single, double, or battery culvert”.
- (2) In regulation 37(1), after “single-span bridge,” insert “removable in-stream structure,”.
- (3) In regulation 37(1)(a), after “single”, insert “or double”.
- (4) After regulation 37(1)(e), insert:
 - (f) a removable in-stream structure complies with regulation 46(8).

22 Regulation 39 amended (Permitted activity condition: effects on other structures and users)

In regulation 39(c), replace “plantation forest” with “commercial forest”.

23 Regulation 40 amended (Permitted activity condition: passage of fish)

Replace regulation 40(1) with:

- (1) River crossings must provide for the upstream and downstream passage of fish, unless—
 - (a) the relevant statutory fisheries manager advises the relevant regional council in writing that to provide for the passage of fish would have an adverse effect on the fish population upstream of the river crossing; or
 - (b) the relevant regional council has determined that fish passage must be restricted.

24 Regulation 45 amended (Permitted activity condition: flow calculations)

Replace regulation 45(1)(a) with:

- (a) the document referred to in item 3 of Schedule 2 (*Regional Flood Estimation Tool for New Zealand Part 2*):

25 Regulation 46 amended (Permitted activity conditions specific to various classes of river crossings)

- (1) In the heading above regulation 46(1), after “*Single*”, insert “*and double*”.
- (2) In regulation 46(1)(a), after “per second”, insert “for a single culvert and 7.5 m³ per second for a double culvert”.
- (3) In regulation 46(1)(c), replace “diameter must be” with “must have an internal diameter of”.
- (4) Replace regulation 46(1)(f) with:
 - (f) at installation, the culvert invert must be located so that at least 25% of the culvert’s external diameter is below the river bed level, unless it is not possible to achieve 25% embedment, in which case best endeavours must be made to comply with this condition:

- (5) After regulation 46(7), insert:

Removable in-stream structures

- (8) The following conditions apply to removable in-stream structures:
- (a) the structure may be in a location for a period not exceeding 2 years:
 - (b) the contributing catchment must be less than 500 ha:
 - (c) the bed gradient, measured 50 m upstream and downstream of the river crossing, must be less than 10%:
 - (d) the approaches and outlets must be protected from erosion:
 - (e) the structure must be anchored:
 - (f) the structure must be maintained so as to avoid debris build-up and blockage:
 - (g) the structure must be constructed so as to allow flows to pass over it without structural failure.

26 Regulation 47 amended (Controlled activity: regional council)

- (1) In regulation 47(1), replace “single or battery culvert” with “single, double, or battery culvert”.
- (2) In regulation 47(3), replace “single or battery culvert” with “single, double, or battery culvert”.
- (3) In regulation 47(4)(c)(i), replace “plantation forest” with “commercial forest”.

27 Regulation 48 amended (Restricted discretionary activity: regional council)

- (1) In regulation 48(1), replace “single or battery culvert” with “single, double, or battery culvert”.
- (2) In regulation 48(2)(a)(i), replace “plantation forest” with “commercial forest”.
- (3) After regulation 48(2)(e), insert:
 - (f) the effects on the values of an outstanding freshwater body where a Treaty of Waitangi settlement Act includes a statutory acknowledgement in relation to that outstanding freshwater body.

28 Regulation 49 amended (Discretionary activity: regional council)

In regulation 49(1), replace “single or battery culvert” with “single, double, or battery culvert”.

29 Regulation 52 amended (Permitted activity conditions: notice)

Replace regulation 52(2) with:

- (2) Notice under subclause (1) must be given—
 - (a) at least 20 and no more than 60 working days before the date on which the forest quarrying is planned to begin; or

- (b) for forest quarrying in green or yellow erosion susceptibility zones, at least 10 and no more than 60 working days before the date on which the activity is planned to begin; or
- (c) in the case of ongoing forest quarrying, annually.

30 Regulation 57 revoked (Permitted activity conditions: traffic management)

Revoke regulation 57.

31 Regulation 59 amended (Permitted activity conditions: quarry erosion and sediment management plan)

In regulation 59(1), replace “Schedule 4” with “Schedule 5”.

32 Regulation 62 replaced (Functions for this subpart)

Replace regulation 62 with:

62 Functions for this subpart

The functions of regional councils and territorial authorities under sections 30 and 31 of the Act, in relation to this subpart, are as specified in the following table:

Provision	Local authority with functions in relation to activity concerned
Regulations 64(1) and (2), 71A, and 71B	Regional council and territorial authority
Regulations 63(1) and 70(1) and (2)	Territorial authority
Regulations 63(2) and (3), 64(3), 65 to 69, 70(3) and (4), 71, and 71C	Regional council

33 New regulation 62A and cross-heading inserted

After regulation 62, insert:

62A Application of provisions in this subpart

- (1) Regulations 63 to 71 apply in respect of plantation forests.
- (2) Regulations 71A to 71C apply in respect of exotic continuous-cover forests.

Plantation forests

34 Regulation 63 amended (Permitted activity)

In regulation 63(3), replace “Harvesting where a minimum of 75% canopy cover is maintained at all times for any given hectare of plantation forest land (low-intensity harvesting)” with “Low-intensity harvesting”.

35 Regulation 66 amended (Permitted activity conditions: harvest plan)

- (1) Replace regulation 66(2)(b) with:

- (b) contain the details required by Schedule 6; and
- (2) In regulation 66(3), replace “Schedule 3 or a combined plan that contains all the details required by that schedule” with “Schedule 4 or a combined plan that contains all the details required by Schedules 4 and 6”.

36 Regulation 69 amended (Permitted activity conditions: slash and debris management)

- (1) In regulation 69(1), after “harvesting”, insert “that is produced at or on a landing”.
- (2) Replace regulation 69(2) with:
 - (2) Slash from harvesting that is at or on a landing must be managed to avoid the collapse of—
 - (a) a slash pile; or
 - (b) the ground under a slash pile.
- (3) After regulation 69(4), insert:
- (5) On orange zone and red zone land (as described in regulation 63(2)(b)), slash from harvesting that is sound wood must be removed from the cutover, unless it is unsafe to do so, if it has—
 - (a) a length of over 2 m; and
 - (b) a large-end diameter of over 10 cm.
- (6) However, residual slash may be left on the cutover.
- (7) In this regulation,—
 - residual slash** means a quantity of the slash required to be removed under sub-clause (5) not exceeding 15 m³ per hectare of the cutover
 - sound wood** means wood that can be safely lifted using harvesting equipment and transferred to a landing without degrading or breaking up.

37 Regulation 70 amended (Controlled activity)

In regulation 70(4)(f), after “slash”, insert “, including minimum requirements for removal from the cutover”.

38 Regulation 71 amended (Restricted discretionary activity: regional council)

- (1) In regulation 71(2)(f), after “slash”, insert “, including minimum requirements for removal from the cutover”.
- (2) After regulation 71(2)(g), insert:
 - (h) the effects on the values of an outstanding freshwater body where a Treaty of Waitangi settlement Act includes a statutory acknowledgement in relation to that outstanding freshwater body.

39 New regulations 71A to 71C and cross-heading inserted

After regulation 71, insert:

Exotic continuous-cover forests

71A Permitted activity

Low-intensity harvesting is a permitted activity in all erosion susceptibility classification zones if—

- (a) regulations 64 to 69 are complied with; and
- (b) any relevant forest planning requirement is not complied with.

71B Controlled activity

(1) Low-intensity harvesting is a controlled activity in all erosion susceptibility classification zones if—

- (a) any provision of regulations 64 to 69 is not complied with; or
- (b) any relevant forest planning requirements are not complied with.

(2) For the purpose of subclause (1), control is reserved over—

- (a) the preparation and content of the harvest plan and the forestry earth-works management plan (if required);
- (b) the type and method of harvesting;
- (c) the timing, location, and duration of harvesting (including in relation to fish spawning);
- (d) measures to address effects of harvesting on water quality, vegetation in the riparian zone, wetlands, and the coastal marine area;
- (e) measures to minimise soil erosion during and after harvesting;
- (f) measures to contain and remove slash;
- (g) the information and monitoring requirements;
- (h) any other forest planning requirements.

71C Discretionary activity: regional council

Harvesting (other than low-intensity harvesting) in all erosion susceptibility classification zones is a discretionary activity.

40 Regulation 75 amended (Restricted discretionary activity: regional council)

After regulation 75(2)(h), insert:

- (i) the effects on the values of an outstanding freshwater body where a Treaty of Waitangi settlement Act includes a statutory acknowledgement in relation to that outstanding freshwater body.

41 Regulation 77 amended (Permitted activity)

- (1) In regulation 77(1), after “78(1)”, insert “, 78A,”.
- (2) In regulation 77(2), after “78(2) and (3)”, insert “, 78A,”.

42 New regulation 77A inserted (Permitted activity conditions: replanting management plan)

After regulation 77, insert:

77A Permitted activity conditions: replanting management plan

- (1) A replanting management plan is required for all replanting activities.
- (2) A replanting management plan must be provided to the relevant council on written request.
- (3) A replanting management plan must include all forest planning requirements that are applicable to the replanting activity.
- (4) Amendments to the replanting management plan must be documented and dated, and the relevant council must be advised that an amendment has been made. The amended plan must be made available to the relevant council on request.
- (5) Replanting activities must be carried out in accordance with the replanting management plan.

43 New section 78A inserted (Permitted activity condition: notice)

After section 78, insert:

78A Permitted activity condition: notice

- (1) The relevant regional council and territorial authority must be given written notice of—
 - (a) the location where the replanting will occur and the proposed setbacks (including a description of how they were calculated); and
 - (b) the dates on which the replanting is planned to begin and end.
- (2) Notice under subclause (1) must be given at least 20 working days and no more than 8 months before the date on which the replanting is planned to begin.

44 Regulation 79 amended (Permitted activity conditions: wilding tree risk and control)

- (1) Replace regulation 79(1) with:
 - (1) A wilding tree risk calculator score must be—
 - (a) applied to any land on which replanting with a conifer species is proposed; and
 - (b) calculated in accordance with the wilding tree risk guidelines by a suitably competent person; and

- (c) completed no more than 8 months before replanting is carried out.
- (2) Replace regulation 79(3) with:
- (3) Replanting with a conifer species must not be carried out in an area with a wilding tree risk calculator score of 12 or more.
- (3) Replace regulation 79(5) with:
- (5) The relevant regional council and territorial authority must be given the following no more than 8 months before replanting is carried out:
 - (a) the score required under subclause (1) and the calculation sheet used to provide that score:
 - (b) an assessment of each element of wilding tree risk for each relevant area of forest and an explanation of how the assessments were made.
- (4) Replace regulation 79(6) with:
- (6) All wilding conifers resulting from the previous harvest that are established in wetlands or significant natural areas must, before replanting begins, be eradicated—
 - (a) on the same property on which the replanting activity occurs; and
 - (b) on any adjacent properties under the same ownership or management as that of the property on which the replanting activity occurs.
- (7) All wilding conifers resulting from the replanting activity must be eradicated at least every 5 years after replanting where established in wetlands or significant natural areas—
 - (a) on the same property on which the replanting activity occurs; and
 - (b) on any other adjacent properties under the same ownership or management as that of the property on which the replanting activity occurs.

45 Regulation 80 amended (Controlled activity: regional council)

- (1) In regulation 80(1), after “78(2) and (3)”, insert “, 78A,”.
- (2) Replace regulation 80(2) with:
- (2) For the purpose of subclause (1), control is reserved over the timing, location, and species.
- (3) Replanting with a conifer species is a controlled activity if regulation 79(3) is not complied with.
- (4) For the purpose of subclause (3), control is reserved over—
 - (a) the level of wilding tree risk:
 - (b) the mitigation proposed to restrict wilding conifer spread, including the species to be planted:
 - (c) the effects on the values of the significant natural area or an outstanding natural feature or landscape:

- (d) actual wilding conifer spread, including measures to mitigate that spread and proposed measures to mitigate that spread:
- (e) the information and monitoring requirements:
- (f) timing, location, and species.

46 Regulation 81 amended (Restricted discretionary activity)

- (1) In regulation 81(1), replace “78(1) or 79” with “78(1), 78A, or 79 (other than regulation 79(3))”.
- (2) In regulation 81(2)(b), replace “plantation forestry activities” with “commercial forestry activities”.
- (3) In regulation 81(3), replace “78(2) or (3) or 79” with “78(2) or (3), 78A, or 79 (other than regulation 79(3))”.
- (4) In regulation 81(4)(c), replace “plantation forestry activities” with “commercial forestry activities”.
- (5) After regulation 81(4)(e), insert:
 - (f) the effects on the values of an outstanding freshwater body where a Treaty of Waitangi settlement Act includes a statutory acknowledgement in relation to that outstanding freshwater body.

47 Regulation 93 amended (Permitted activity: territorial authority)

In regulation 93(1), replace “plantation forestry activity” with “commercial forestry activity”.

48 Regulation 95 amended (Permitted activity)

- (1) In regulation 95(1), replace “plantation forestry activity” with “commercial forestry activity” in each place.
- (2) In regulation 95(2), replace “plantation forestry activity” with “commercial forestry activity”.
- (3) In regulation 95(3), replace “plantation forestry activity” with “commercial forestry activity” in each place.

49 Regulation 97 amended (Permitted activity: regional council)

- (1) In regulation 97(1), replace “plantation forestry activity” with “commercial forestry activity”.
- (2) In regulation 97(2), replace “plantation forestry activity is a permitted activity if subclause (5) is” with “commercial forestry activity is a permitted activity if subclauses (2A) and (5) are”.
- (3) In regulation 97(2)(b), replace “plantation forestry activity” with “commercial forestry activity”.
- (4) After regulation 97(2), insert:

- (2A) Disturbance of a wetland described in subclause (2) through use of machinery, vehicles, equipment, and construction materials may occur only if—
- (a) machinery, vehicles, and equipment used for the activity are cleaned before entering the wetland (to avoid introducing pests, unwanted organisms, or exotic plants); and
 - (b) machinery that is used for the activity sits outside the wetland, unless it is necessary for the machinery to enter it to achieve the purpose of the activity; and
 - (c) machinery or vehicles that enter the wetland are modified or supported to prevent them from damaging the wetland (for example, by widening the tracks of track-driven vehicles or using platforms for machinery to sit on); and
 - (d) the mixing of construction materials, and the refuelling and maintenance of vehicles, machinery, and equipment, is done outside a 10 m setback from the wetland.

- (5) In regulation 97(6), definition of **disturbance of the bed or vegetation in the bed of a perennial river**, paragraph (a), replace “using a ford to cross” with “crossing”.
- (6) In regulation 97(7), replace “plantation forestry activity” with “commercial forestry activity” in each place.
- (7) In regulation 97(8), replace “plantation forestry activity” with “commercial forestry activity”.
- (8) In regulation 97(9), replace “plantation forestry activity” with “commercial forestry activity”.

50 Regulation 98 amended (Permitted activity: territorial authority)

- (1) In regulation 98(1) to (3), replace “plantation forestry activity” with “commercial forestry activity”.
- (2) In regulation 98(2) and (3), replace “plantation forest” with “commercial forest” in each place.

51 Regulation 99 amended (Restricted discretionary activity: territorial authority)

In regulation 99(1), replace “plantation forestry activity” with “commercial forestry activity”.

52 Regulation 100 amended (Permitted activity)

In regulation 100(1) and (3), replace “plantation forestry activity” with “commercial forestry activity”.

53 Regulation 101 amended (Restricted discretionary activity)

In regulation 101(1), replace “plantation forestry activity” with “commercial forestry activity”.

54 Regulation 102 amended (Permitted activity)

In regulation 102(1) and (2)(c), replace “plantation forestry activity” with “commercial forestry activity”.

55 Regulation 103 amended (Restricted discretionary activity)

In regulation 103(1), replace “plantation forestry activity” with “commercial forestry activity”.

56 Regulation 104 amended (Permitted activity: regional council)

In regulation 104(1), replace “plantation forestry activity” with “commercial forestry activity”.

57 Regulation 105 amended (Restricted discretionary activity: regional council)

(1) In regulation 105(1), replace “plantation forestry activity” with “commercial forestry activity”.

(2) After regulation 105(2)(f), insert:

(g) the effects on the values of an outstanding freshwater body where a Treaty of Waitangi settlement Act includes a statutory acknowledgement in relation to that outstanding freshwater body.

58 Regulation 106 amended (Local authorities may charge for monitoring permitted activities)

Before regulation 106(a), insert:

(aaa) regulation 9 (afforestation):

59 Schedule 1 amended

In Schedule 1,—

(a) insert the Part set out in Schedule 1 of these regulations as the last Part; and

(b) make all necessary consequential amendments.

60 Schedule 2 amended

(1) In Schedule 2, replace item 1 with:

1 Erosion Susceptibility Classification

<https://www.mpi.govt.nz/forestry/national-environmental-standards-commercial-forestry/erosion-susceptibility-classification/>

(2) In Schedule 2, replace item 3 with:

3	Henderson R, Collins D, Doyle M, Watson J (2018): <i>Regional Flood Estimation Tool for New Zealand Part 2</i> , NIWA Client Report No. 2018177CH	https://niwa.co.nz/sites/niwa.co.nz/ files/2018177CH-Flood-Frequency- Final-Report-Part2-NIWA.pdf
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61 Schedules 3 and 4 replaced

Replace Schedules 3 and 4 with the Schedules 3 to 6 set out in Schedule 2 of these regulations.

Schedule 1
New Part 2 inserted into Schedule 1

r 59

Part 2
**Provisions relating to Resource Management (National
Environmental Standards for Commercial Forestry) Amendment
Regulations 2023**

1 References to previous Title

Every reference in any enactment and in any document to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 must, unless the context otherwise provides, be read as a reference to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017.

2 Interpretation

In this Part, unless the context otherwise requires,—

amendment regulations means the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023

commencement date means the date on which the amendment regulations commence under regulation 2(1) of those regulations.

3 Slash provisions

(1) Regulation 69 applies to an existing activity as if it had not been amended by the amendment regulations until the date on which these regulations (as amended by the amendment regulations) require notification of the activity to be submitted to the council.

(2) In this clause, **existing activity** means an activity that is undertaken in accordance with a notice given under regulation 64 or a harvest plan that was made in accordance with these regulations, and that is in effect immediately before the commencement date.

4 Forestry earthworks management plan

(1) Forestry earthworks activities may be undertaken in accordance with a forestry earthworks management plan that meets the requirements of these regulations as they were immediately before the commencement date—

(a) if—

(i) the plan was submitted before the commencement date; and

(ii) the expiry of the notice that applied to the activity under regulation 25(2) is less than 5 months after the commencement date; and

- (b) until the earlier of the following:
 - (i) the date on which the activity is completed:
 - (ii) the expiry of the notice that applied to the activity under regulation 25(2), or, if renewed under subclause (2), the expiry of the renewed notice.
- (2) The notice referred to in subclause (1)(a)(ii) may be renewed once under regulation 25(2) as if that regulation had not been amended by the amendment regulations.

5 Harvest plan requirements

- (1) Harvesting activities may be undertaken in accordance with a harvest plan that meets the requirements of these regulations as they were immediately before the commencement date—
 - (a) if—
 - (i) the plan was submitted before the commencement date; and
 - (ii) the expiry of the notice that applied to the activity under regulation 64(2) is less than 5 months after the commencement date; and
 - (b) until the earlier of the following:
 - (i) the date on which the activity is completed:
 - (ii) the expiry of the notice that applied to the activity under regulation 64(2), or, if renewed under subclause (2), the expiry of the renewed notice.
- (2) The notice referred to in subclause (1)(a)(ii) may be renewed once under regulation 64(2).

6 Quarry erosion and sediment management plan

- (1) Forestry quarrying activities may be undertaken in accordance with a quarry erosion and sediment management plan that meets the requirements of these regulations as they were immediately before the commencement date—
 - (a) if—
 - (i) the plan was submitted before the commencement date; and
 - (ii) the expiry of the notice that applied to the activity under regulation 52(2) is less than 5 months after the commencement date; and
 - (b) until the earlier of the following:
 - (i) the date on which the activity is completed:
 - (ii) the expiry of the notice that applied to the activity under regulation 52(2), or, if renewed under subclause (2), the expiry of the renewed notice.

**Resource Management (National Environmental
Standards for Commercial Forestry) Amendment
Regulations 2023**

Schedule 1

2023/277

- (2) The notice referred to in subclause (1)(a)(ii) may be renewed once under regulation 52(2) as if that regulation had not been amended by the amendment regulations.

Schedule 2 Schedules 3 and 4 replaced

r 61

Schedule 3 Afforestation and replanting plan specifications

r 3

1 Person and property details

The person and property details are—

- (a) the plan and notice date:
- (b) the name of and contact details for the land owner or their agent:
- (c) the name of and contact details for the forest owner (if different):
- (d) the name of and contact details for the forest manager or other manager relevant to the commercial forestry activity (if different):
- (e) the contact details for service—postal address, email address, phone number(s):
- (f) the region and district in which the forest is located:
- (g) the name of the road used for forest access and the rural number of the entry point:
- (h) the forest name or property location identifier:
- (i) the cadastral and map references, or GIS polygon reference.

2 Map

The plan must include a map or maps that include and show—

- (a) a scale not less than 1:10,000:
- (b) the record of title, the date, and a north arrow:
- (c) the external property boundaries within 200 m of the commercial forestry activity area:
- (d) the contour lines at intervals less than or equal to 20 m:
- (e) the erosion susceptibility classification (NЕСSF overlay map):
- (f) the location of any significant natural areas and vegetation clearance areas:
- (g) any water body or the coastal marine area, including—
 - (i) wetlands larger than 0.25 ha and lakes larger than 0.25 ha; and
 - (ii) rivers to their perennial extent; and
 - (iii) rivers where the bankfull channel width is 3 m or more; and

- (iv) any outstanding freshwater body or water body subject to a water conservation order; and
- (v) any setbacks from any identified water body or the coastal marine area:
- (h) any registered drinking water supply and any drinking water sources for more than 25 people within 1 km downstream of the commercial forestry activity:
- (i) the location of any forestry infrastructure, including existing and proposed—
 - (i) roads:
 - (ii) tracks:
 - (iii) landings:
 - (iv) firebreaks:
 - (v) river crossings (permanent and temporary):
 - (vi) fuel storage and refuelling sites:
 - (vii) end-haul deposit sites:
 - (viii) slash storage areas:
- (j) the afforestation area boundary and the areas in which afforestation and replanting is occurring:
- (k) the forest species to be afforested or replanted:
- (l) the year or season where planting is expected to occur (if afforestation is occurring):
- (m) the segmentation boundaries within afforestation or replanting areas required by the wilding tree risk guidelines to calculate a wilding tree risk calculator score:
- (n) spatial information associated with the activity described under clause 3.

3 Activity

The plan must state the commercial forestry activity being undertaken, and include—

- (a) where the activity is taking place; and
- (b) when the activity will begin and end; and
- (c) how the activity is to be undertaken.

4 Management requirements

Significant natural areas

- (1) The plan must describe—

- (a) how any significant natural area identified under clause 2(f) is to be avoided when undertaking a commercial forestry activity; and
- (b) the operational restrictions, including restrictions on afforestation or replanting, earthworks operations, or harvesting, as applicable, that will be used to ensure that no commercial forestry activity occurs within the significant natural area.

Water quality and sediment

- (2) The plan must,—
 - (a) for sites with a water body, identify the risks from material that is mobilised, including woody debris, slash, or sediment, to the following if they are located downstream of the commercial forestry activity:
 - (i) public roads and other infrastructure;
 - (ii) properties, including dwellings;
 - (iii) rivers, lakes, estuaries, and the sea;
 - (iv) drinking water supplies; and
 - (b) include the proposed heavy rainfall contingency and response measures, including—
 - (i) specific triggers or thresholds for action; and
 - (ii) maintenance, post-event monitoring, and remedial works in relation to those measures.

Erosion and sedimentation

- (3) The plan must include a description of—
 - (a) the erosion and sedimentation effects of afforestation and replanting, including those effects that arise over the lifecycle of the forest or until a subsequent forest planning requirement is triggered; and
 - (b) the measures to be used to—
 - (i) monitor the erosion and sedimentation effects of afforestation and replanting; and
 - (ii) maintain records relating to erosion and sedimentation.

Wilding trees

- (4) The plan must include—
 - (a) the wilding tree risk calculator score and the calculation sheet used to provide that score; and
 - (b) the assessments required by regulation 11(4)(b); and
 - (c) a description of—
 - (i) any adjacent properties under the same ownership; and
 - (ii) the schedule for undertaking wilding conifer inspections; and

(iii) how wilding conifer removals will be undertaken.

5 Plan information specification

The information required by clauses 1 to 4 must be submitted in a GIS-compatible format if requested by the relevant council.

Schedule 4

Forestry earthworks management plan

rr 3, 27

1 Person and property details

The person and property details are—

- (a) the plan and notice date:
- (b) the name of and contact details for the land owner or their agent:
- (c) the name of and contact details for the forest owner (if different):
- (d) the name of and contact details for the forest manager or relevant manager for the commercial forestry activity (if different):
- (e) the contact details for service—postal address, email address, phone number(s):
- (f) the region and district in which the forest is located:
- (g) the name of the road used for forest access and the rural number of the entry point:
- (h) the forest name or property location identifier:
- (i) the cadastral and map references, or GIS polygon reference.

2 Map

The plan must include a map or maps that include and show—

- (a) a scale not less than 1:10,000:
- (b) the record of title, the date, and a north arrow:
- (c) the external property boundaries within 200 m of the commercial forestry activity area:
- (d) the contour lines at intervals less than or equal to 20 m:
- (e) the erosion susceptibility classification (NЕСF overlay map):
- (f) the location of any significant natural areas and vegetation clearance areas:
- (g) any water body or the coastal marine area, including—
 - (i) wetlands larger than 0.25 ha and lakes larger than 0.25 ha; and
 - (ii) rivers to their perennial extent; and
 - (iii) rivers where the bankfull channel width is 3 m or more; and
 - (iv) any outstanding freshwater body or water body subject to a water conservation order; and
 - (v) any setbacks from any identified water body or the coastal marine area:

- (h) any registered drinking water supply and any drinking water sources for more than 25 people within 1 km downstream of the commercial forestry activity:
- (i) the location of any forestry infrastructure, including existing and proposed—
 - (i) roads:
 - (ii) tracks:
 - (iii) landings:
 - (iv) firebreaks:
 - (v) river crossings (permanent and temporary):
 - (vi) fuel storage and refuelling sites:
 - (vii) end-haul deposit sites:
 - (viii) slash storage areas:
- (j) spatial information associated with the activity described in clause 3.

3 Activity

The plan must state—

- (a) the commercial forestry activity being undertaken; and
- (b) where the activity is taking place; and
- (c) when the activity will begin and end; and
- (d) how the activity is to be undertaken; and
- (e) the scope of work covered by the earthworks (including estimated earthworks cut and fill volumes, by ESC zone if there is more than 1); and
- (f) whether the earthworks are for maintenance, upgrade, road widening, realignment, or new work; and
- (g) the anticipated construction time for forestry earthworks and stabilisation; and
- (h) the design rainfall event size and duration that has been used to design the sediment control measures referred to in clause 4 and the heavy rainfall contingency and response measures referred to in clause 6.

4 Management requirements

Significant natural areas

- (1) The plan must describe—
 - (a) how any significant natural area identified under clause 2(f) is to be avoided when undertaking a commercial forestry activity; and
 - (b) the operational restrictions, including restrictions on afforestation or replanting, earthworks operations, or harvesting, as applicable, that will

be used to ensure that no commercial forestry activity occurs within the significant natural area.

Water quality and sediment

(2) The plan must identify, for sites with a water body, the risks from material that is mobilised, including woody debris, slash, or sediment, to the following if they are located downstream of the commercial forestry activity:

- (a) public roads and other infrastructure:
- (b) properties, including dwellings:
- (c) rivers, lakes, estuaries, and the sea:
- (d) drinking water supplies.

Erosion and sedimentation

(3) The plan must include—

- (a) a description of the management practices that will be used to avoid, remedy, or mitigate risks due to forestry earthworks that have been identified on the map, including, in sufficient detail to enable site audit of the management practices to be carried out,—
 - (i) the proposed erosion and sediment control measures to be used; and
 - (ii) the situations in which they will be used; and
- (b) the following minimum erosion and sediment control measures:
 - (i) water run-off control measures:
 - (ii) sediment control measures during construction and during harvest:
 - (iii) the method to be used to manage excess fill for large-scale cut and fill operations and, if the method is end-haul, the proposed disposal location:
 - (iv) methods to be used to stabilise batters, side cast, and cut and fill.

Indigenous birds

(4) The plan must describe the procedures required by regulation 102(2), if applicable.

Fish species

(5) The plan must include,—

- (a) with reference to the map, a description and the location of any relevant species identified—
 - (i) using the electronic tool referred to in item 9 of Schedule 2 (Fish Spawning Indicator); or
 - (ii) by a freshwater fish survey required by regulation 97(4)(b); and

- (b) confirmation of areas where and periods when disturbance is not permitted; and
- (c) procedures to avoid disturbance of a wetland or the bed, or vegetation in the bed, of a perennial river or lake, including sequencing of harvesting and earthworks and operational restrictions.

Other indigenous species of fauna

- (6) The plan must include procedures to—
 - (a) identify any threatened or at-risk species of indigenous fauna present within the forestry earthworks activity areas; and
 - (b) mitigate adverse effects on those species from the forestry earthworks activity.

5 Plan information specification

The information required by clauses 1 to 4 must be submitted in a GIS-compatible format if requested by the relevant council.

6 Management practices for maintenance and monitoring

The plan must include—

- (a) the proposed routine maintenance and monitoring processes;
- (b) the proposed heavy rainfall contingency and response measures, including—
 - (i) specific triggers or thresholds for action; and
 - (ii) post-event monitoring and remedial works;
- (c) the post-harvest monitoring of residual risks, and the corrective action processes.

Schedule 5

Quarry erosion and sediment management plan specifications

rr 3, 59

1 Person and property details

The person and property details are—

- (a) the plan and notice date:
- (b) the name of and contact details for the land owner or their agent:
- (c) the name of and contact details for the forest owner (if different):
- (d) the name of and contact details for the forest manager or relevant manager for the commercial forestry activity (if different):
- (e) the contact details for service—postal address, email address, phone number(s):
- (f) the region and district in which the forest is located:
- (g) the name of the road used for forest access and the rural number of the entry point:
- (h) the forest name or property location identifier and the legal title shown on the record of title:
- (i) the cadastral and map references, or GIS polygon reference.

2 Map

The plan must include a map or maps that include and show—

- (a) a 1:1,000–1:5,000 scale:
- (b) the title, the date, and a north arrow:
- (c) the external property legal boundaries within 200 m of the commercial forestry activity area:
- (d) the contour lines at intervals less than or equal to 20 m:
- (e) the erosion susceptibility classification (NESCF overlay map):
- (f) the proposed quarry layout:
- (g) any sight-lines to dwellings on adjacent properties within 2 km of the quarry:
- (h) the boundaries of the commercial forest:
- (i) the location of any significant natural areas and vegetation clearance areas:
- (j) any water body or the coastal marine area, including—
 - (i) wetlands larger than 0.25 ha, and lakes larger than 0.25 ha; and
 - (ii) rivers to their perennial extent, with arrows showing direction of flow; and

- (iii) any water table that the quarry may intercept; and
 - (iv) rivers where the bankfull channel width is 3 m or more; and
 - (v) any outstanding freshwater body or water body subject to a water conservation order; and
 - (vi) any setbacks from any identified water body or the coastal marine area:
- (k) any registered drinking water supply and any drinking water sources for more than 25 people within 1 km downstream of the commercial forestry activity:
- (l) the location of any forestry infrastructure, including existing and proposed—
- (i) roads:
 - (ii) tracks:
 - (iii) landings:
 - (iv) firebreaks:
 - (v) river crossings (permanent and temporary):
 - (vi) fuel storage and refuelling sites:
 - (vii) end-haul deposit sites:
 - (viii) slash storage areas:
- (m) spatial information associated with the activity described under clause 3.

3 Activity

The plan must state—

- (a) the commercial forestry activity being undertaken (including the amount of quarrying); and
- (b) where the activity is taking place; and
- (c) when the activity will begin and end; and
- (d) how the activity is to be undertaken.

4 Management requirements

Significant natural areas

- (1) The plan must describe—
- (a) how any significant natural area identified under clause 2(i) is to be avoided when undertaking a commercial forestry activity; and
 - (b) the operational restrictions, including restrictions on afforestation or replanting, earthworks operations, or harvesting, as applicable, that will be used to ensure that no commercial forestry activity occurs within the significant natural area.

Water quality and sediment

- (2) The plan must,—
- (a) for sites with a water body, identify the risks from material that is mobilised, including woody debris, slash, or sediment, to the following if they are located downstream of the commercial forestry activity:
 - (i) public roads and other infrastructure;
 - (ii) properties, including dwellings;
 - (iii) rivers, lakes, estuaries, and the sea;
 - (iv) drinking water supplies; and
 - (b) include the proposed heavy rainfall contingency and response measures, including—
 - (i) specific triggers or thresholds for action; and
 - (ii) maintenance, post-event monitoring, and remedial works in relation to the measures.

Erosion and sedimentation

- (3) The plan must include—
- (a) a description of the situations in which the proposed erosion and sediment control measures will be used; and
 - (b) details of the erosion and sediment control measures to be used, including—
 - (i) methods to maintain stability of any cut faces; and
 - (ii) methods to manage overburden, including stability and erosion of exposed soil; and
 - (iii) methods to manage sediment and stormwater; and
 - (iv) methods to avoid effects on riparian margins and water bodies; and
 - (v) maintenance and monitoring procedures in relation to the measures; and
 - (c) details of measures for the restoration of the quarry after quarrying ceases; and
 - (d) corrective action processes.

5 Plan information specification

The information required by clauses 1 to 4 must be submitted in a GIS-compatible format if requested by the relevant council.

Schedule 6 Harvest plan

rr 3, 66

1 Person and property details

The person and property details are—

- (a) the plan and notice date:
- (b) the name of and contact details for the land owner or their agent:
- (c) the name of and contact details for the forest owner (if different):
- (d) the name of and contact details for the forest manager or relevant manager for the commercial forestry activity (if different):
- (e) the contact details for service—postal address, email address, phone number(s):
- (f) the region and district in which the forest is located:
- (g) the name of the road used for forest access and the rural number of the entry point:
- (h) the forest name or property location identifier:
- (i) the cadastral and map references, or GIS polygon reference.

2 Map

The plan must include a map or maps that include and show—

- (a) a scale not less than 1:10,000:
- (b) the record of title, the date, and a north arrow:
- (c) the external property boundaries within 200 m of the commercial forestry activity area:
- (d) the contour lines at intervals less than or equal to 20 m:
- (e) the erosion susceptibility classification (NЕСF overlay map):
- (f) the location of any significant natural areas and vegetation clearance areas:
- (g) any water body or the coastal marine area, including—
 - (i) wetlands larger than 0.25 ha and lakes larger than 0.25 ha; and
 - (ii) rivers to their perennial extent; and
 - (iii) rivers where the bankfull channel width is 3 m or more; and
 - (iv) any outstanding freshwater body or water body subject to a water conservation order; and
 - (v) any setbacks from any identified water body or the coastal marine area:

- (h) any registered drinking water supply and any drinking water sources for more than 25 people within 1 km downstream of the commercial forestry activity:
- (i) the location of any forestry infrastructure, including existing and proposed—
 - (i) roads:
 - (ii) tracks:
 - (iii) landings:
 - (iv) firebreaks:
 - (v) river crossings (permanent and temporary):
 - (vi) fuel storage and refuelling sites:
 - (vii) end-haul deposit sites:
 - (viii) slash storage areas:
- (j) spatial information associated with the activity described under clause 3.

3 Activity

The plan must state—

- (a) the commercial forestry activity being undertaken; and
- (b) where the activity is taking place; and
- (c) when the activity will begin and end; and
- (d) how the activity is to be undertaken; and
- (e) the harvesting method, whether ground-based or hauler, or any other method, and the hauler system type; and
- (f) the planned timing, duration, intensity, and any proposed staging of the harvest.

4 Management requirements

Significant natural areas

- (1) The plan must describe—
 - (a) how any significant natural area identified under clause 2(f) is to be avoided when undertaking a commercial forestry activity; and
 - (b) the operational restrictions, including restrictions on afforestation or replanting, earthworks operations, or harvesting, as applicable, that will be used to ensure that no commercial forestry activity occurs within the significant natural area.

Water quality and sediment

- (2) The plan must identify, for sites with a water body, the risks from material that is mobilised, including woody debris, slash, or sediment, to the following if they are located downstream of the commercial forestry activity:
- (a) public roads and other infrastructure:
 - (b) properties, including dwellings:
 - (c) rivers, lakes, estuaries, and the sea:
 - (d) drinking water supplies.

Erosion and sedimentation

- (3) The plan must include a description of the management practices that will be used to avoid, remedy, or mitigate erosion and sedimentation risks due to commercial forest harvesting. Those risks include risks relating to features that must be protected during the operation, including significant natural areas. The features must be mapped. The description must include, in sufficient detail to enable site audit of the management practices to be carried out,—
- (a) the proposed erosion and sediment control measures to be used; and
 - (b) the situations in which they will be used.

Slash

- (4) The plan must describe the management practices that will be used to avoid, remedy, or mitigate risks relating to slash. Those risks include risks relating to features that must be protected during the operation, including significant natural areas. The features must be mapped. The management practices must include procedures for—
- (a) avoiding instability of slash and the ground under slash piles at landings:
 - (b) keeping slash away from high-risk areas (no-slash zones):
 - (c) managing slash in the vicinity of waterways, including identifying any areas where it would be unsafe or impracticable to retrieve slash from water bodies:
 - (d) ensuring that slash is not mobilised in heavy rain events (5% AEP or greater) and contingency measures for such movement, including requirements for slash removal from streams and use of slash traps.

Indigenous birds

- (5) The plan must describe the procedures required by regulation 102(2), if applicable.

Fish species

- (6) The plan must include,—
- (a) with reference to the map, a description and the location of any relevant species identified—

- (i) using the electronic tool referred to in item 9 of Schedule 2 (Fish Spawning Indicator); or
 - (ii) by a freshwater fish survey required by regulation 97(4)(b); and
 - (b) confirmation of areas where and periods when disturbance is not permitted; and
 - (c) procedures to avoid disturbance of a wetland or the bed, or vegetation in the bed, of a perennial river or lake, including sequencing of harvesting and earthworks and operational restrictions.
- Other indigenous species of fauna*
- (7) The plan must include procedures to—
- (a) identify any threatened or at-risk species of indigenous fauna present within the harvesting activity areas; and
 - (b) mitigate adverse effects on those species from the harvesting activity.
- 5 Plan information specification**
- The information required by clauses 1 to 4 must be submitted in a GIS-compatible format if requested by the relevant council.
- 6 Management practices for maintenance and monitoring**
- The plan must include—
- (a) the proposed routine maintenance and monitoring processes;
 - (b) the proposed heavy rainfall contingency and response measures, including—
 - (i) specific triggers or thresholds for action; and
 - (ii) post-event monitoring and remedial works;
 - (c) the post-harvest monitoring of residual risks, and the corrective action processes.

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations amend the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (the **principal regulations**). These regulations come into force on 3 November 2023, but *regulations 13(2) and 44* (to the extent that it inserts *new regulation 79(5)(b)*) come into force on 3 April 2024, and the rest of *regulation 44* comes into force on 3 January 2024.

The amendments expand the application of the principal regulations to include exotic continuous-cover forests. These are forests of exotic species of at least 1 ha that will not be harvested or replanted or are intended to be used for low-intensity harvesting (where a minimum of 75% canopy cover is maintained at all times) or replanted. The Title of the principal regulations is changed to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 as a consequence.

The amendments clarify that local authorities may make rules in relation to afforestation (including the location of forests) that are more stringent or more lenient than the principal regulations and that they may make rules for effects of afforestation that are not within the scope of those regulations. The amendments also provide for local authorities to have greater discretion in respect of matters relating to afforestation occurring on areas of land with very high erosion susceptibility and in respect of areas determined to be outstanding freshwater bodies by Treaty of Waitangi settlement legislation. The amendments also provide for local authorities to charge for the monitoring of afforestation.

The amendments also include—

- changes to provisions relating to river crossings:
- changes to wilding tree risk management requirements:
- changes to slash management requirements:
- provision of separate planning requirements for afforestation and replanting, forestry earthworks, quarry erosion and sediment management, and harvest activities:
- changes to notice requirements in respect of earthworks and forestry quarrying and a new notice requirement for replanting of commercial forests:
- provision for joint notice where more than 1 activity is required to be notified at the same time.

Regulatory impact statement

The Ministry for the Environment and the Ministry for Primary Industries produced a supplementary analysis report on 26 September 2023 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this supplementary analysis report can be found at—

- <https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/>
- <https://treasury.govt.nz/publications/informationreleases/ris>

2023/277

**Resource Management (National Environmental
Standards for Commercial Forestry) Amendment
Regulations 2023**

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